

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for August 6, 2003 PLANNING COMMISSION MEETING

P.A.S.: Special Permit #2029
SW 1st Street Apartments CUP

PROPOSAL: A Community Unit Plan for one two-story multiple-family building which consists of 30 dwelling units, located on one lot.

LOCATION: West A Street and SW 1st Street

LAND AREA: 3.03 acres, more or less.

CONCLUSION: This community unit plan generally conforms to the zoning ordinance and design standards. However, several revisions are necessary to bring this proposal into full compliance.

<u>RECOMMENDATION:</u>	Conditional Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: The remaining portion of Lot 1, Fairway Addition, located in the SE 1/4 of 27-10-6, Lancaster County, Nebraska.

EXISTING ZONING: R-4 Residential

EXISTING LAND USE: Vacant

SURROUNDING LAND USE AND ZONING:

North:	Vacant	R-4 Residential
South:	Vacant	I-1 industrial
East:	Single- and two-family dwellings	R-4 Residential
West:	Wilderness Park Trail, Salt Creek	R-4 Residential

HISTORY:

May 1979 The zoning update changed the zoning designation of this property from B Two-Family Dwelling to R-4 Residential.

COMPREHENSIVE PLAN SPECIFICATIONS:

The 2025 Future Land Use Plan shows this area as Urban Residential. (F 25)

Urban Residential: Multi-family and single-family residential uses in areas with varying densities ranging from more than fifteen dwelling units per acre to less than one dwelling per acre. (F 27)

This project is located within the Top Priority Area. (F 27)

Top Priority Area: Areas generally within the city limits at the beginning of the planning period. There are still significant infrastructure needs within the existing city and areas currently under development. (F 29)

UTILITIES: Sewer and water are available in West A Street.

TOPOGRAPHY: The site slopes downward approximately 10' from southeast to northwest.

TRAFFIC ANALYSIS:

The 2025 Comprehensive Plan identifies West A Street as a Minor Arterial and SW 1st Street as a Local Street, both now and in the future. (E 49, F 103)

Minor Arterial: This functional class serves trips of moderate length and offers a lower level of mobility than principal arterials. This class interconnects with, and augments principal arterials, distributes traffic to smaller areas, and contains streets that place some emphasis on land access. (F 103)

Local Streets: These are composed of all lower order facilities that essentially serve as a conduit between abutting properties and higher order streets. Local streets provide the lowest level of mobility and generally exhibit the lowest traffic volumes.

ENVIRONMENTAL CONCERNS:

This entire site is located within the 100-year floodplain that serves as storage area for the floodwaters of Salt Creek. At such time as building permits are sought, all applicable flood plain regulations must be complied with. There is also a large tree mass located along the northern portion of this site. To ensure that this habitat along Salt Creek is not removed by future development or during construction, a conservation easement should be obtained for the remaining tree mass.

The Lower Platte South Natural Resources District has stated the size of land disturbance will require an NPDES permit from their office. They have also expressed the importance of limiting the amount of area of required fill within the floodplain. They have indicated potential on-site practices to offset the impacts of such fill would be welcomed.

Directly south across West A Street from this property is an I-1 Industrial district, portions of which are not currently developed. Based on the site plan for this property and the required front yard for the I-1 district, it appears the apartment building could be located approximately 125' from any business in the I-1 district. The Lincoln-Lancaster County Health Department advocates against locating residential population adjacent to industrial zoning due to potential exposure to hazardous chemicals and materials. Lincoln-Lancaster County Health

Department recommends a 300' buffer between residential populations and industrial zoning. In addition, Lincoln-Lancaster County Health Department notes there is a rail line approximately 385' from the proposed apartment building and that trains are known to carry such materials in large quantities. They are concerned with the potential for hazardous material incidents involving trains with residential populations in close proximity.

Lincoln-Lancaster County Health Department also raises a concern over noise levels adjacent to industrial zoning. LMC §8.24 Noise Control Ordinance does address noise pollution by regulating source sound levels based upon the land use category or zoning of the receiving property. However, Lincoln-Lancaster County Health Department notes they have significant case history involving residential uses and abutting industrial uses in which the industrial source does comply with noise ordinances, but the residents in the area still perceive the noise pollution as a nuisance.

ANALYSIS:

1. This is a proposal for a Community Unit Plan within an existing R-4 Residential zoning district. This CUP will contain one two-story multiple-family structure with 30 dwelling units. The maximum number of dwelling units allowed on this site is 33.
2. This entire site is located within the 100-year floodplain. At such time as building permits are sought, all applicable flood plain regulations must be complied with.
3. This CUP is located on one lot, which is a corner lot. Pursuant to LMC §27.03.680, there shall only be one required side yard on a corner lot. The site plan shows two side yards, and must be revised to comply with this provision since a waiver was not requested.
4. City of Lincoln Design Standards ch. 3.35 Design Standards for Community Unit Plans §1.2 provides:
Attached dwelling units, three or more, at the outer limits of the community unit plan should not exceed six units in a single row and 140 feet in length unless the adjacent area is open space in another community unit plan or is similar in character to the proposal.

The only building within this CUP sits parallel to SW 1st Street, along the outer limits of the CUP. It appears that there are 8 units along each side, and the building measures 256' in length. The adjacent area across SW 1st Street is not located within another CUP, and consists of single- and two-family dwellings. The site plan must be revised to conform with the Design Standards.

5. City of Lincoln Design Standards ch. 3.35 Design Standards for Community Unit Plans §1.4 provides:

Adequate and appropriate recreational facilities shall be provided in the common open areas to serve the needs of the development and the anticipated occupants to fulfill the needs of occupants whether they are young, elderly, handicapped, etc.

The submitted plans do not provide any recreation space, and must be revised. Revisions must comply with City of Lincoln Design Standards ch. 3.55 Design Standards for Recreational Facilities.

6. Additional changes to the plan drawings have been requested, and are listed in the conditions of approval.
7. Attached are comments from the Parks and Recreation, Public Works & Utilities, and Lincoln-Lancaster County Health Departments, Lincoln Fire Department, and the Lower Platte South Natural Resources District

CONDITIONS:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:
 - 1.1 Revise the site plan as follows:
 - 1.1.1 Add a note stating that the entire site is located within the 100-year floodplain, and all applicable floodplain regulations will be complied with at the time of building permits.
 - 1.1.2 Show only 1 side yard within the lot, and revise the setbacks accordingly.
 - 1.1.3 Revise the Parking Data to indicate 76 parking stalls are shown.
 - 1.1.4 Revise the building design and layout to comply with City of Lincoln Design Standards ch. 3.35 Design Standards for Community Unit Plans §1.2.
 - 1.1.5 Add a recreational area that complies with City of Lincoln Design Standards ch. 3.35 Design Standards for Community Unit Plans §1.4.
 - 1.1.6 Add the LES easement requested by the July 7, 2003 LES review. The easement drawing may be viewed at the Planning Department.

- 1.1.7 Add fire hydrant locations for the approval of the Lincoln Fire Department.
 - 1.1.8 Relocate the building to be at least 300' from an industrial use south of West A Street.
 - 1.2 Revise the landscape plan as follows:
 - 1.2.1 Spring Snow Crabapple is susceptible to scab and fireblight. Please substitute with Professor Sprenger Crabapple, Sugar Tyme Crabapple, or Donald Wyman Crabapple.
 - 1.2.2 Revise street tree spacing to comply with city standards. This includes parking areas and internal roads of the development.
 - 1.2.3 Add parking lot screening that complies with design standards. Alternatively, a note may be added stating that parking lot screening will be submitted for approval with building permits.
 - 1.2.4 Supply additional screening as required by City of Lincoln Design Standards ch. 3.50 Design Standards for Screening and Landscaping §7.3. The Landscape Schedule does not match the number of Colorado Spruce and Colorado Blue Spruce trees shown on the plan. If trees were increased on the plan to match the number in the schedule, adequate screening would be provided.
 - 2. This approval permits 30 dwelling units.
- General:
- 3. Before receiving building permits:
 - 3.1 The permittee shall have submitted a revised and reproducible final plan including 5 copies and the plans are acceptable.
 - 3.2 The construction plans shall comply with the approved plans.
- STANDARD CONDITIONS:
- 4. The following conditions are applicable to all requests:

- 4.1 Before occupying the dwelling units all development and construction shall have been completed in compliance with the approved plans.
- 4.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
- 4.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
- 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
- 4.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Prepared by:

Greg Czaplewski
Planner

Date: July 10, 2003

Applicant:

Doug Schmidt
5005 Bluff Road
Lincoln, NE 68514
325.8868

Owner:

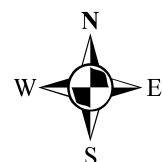
Michael Thomalla
7100 South 29th Street
Lincoln, NE 68516
434.3600

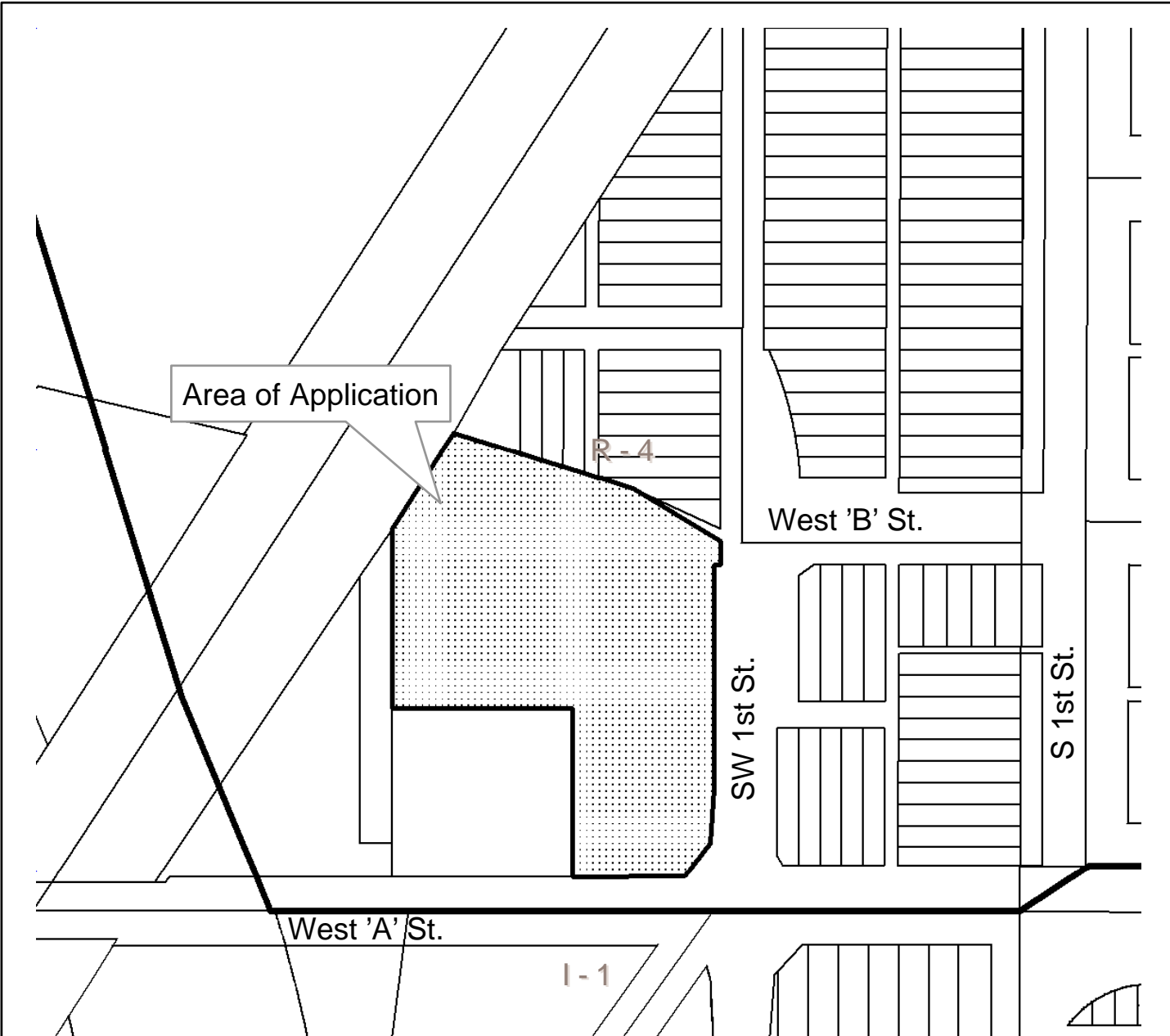
Contact:

Brian D. Carstens & Associates
Brian Carstens
601 Old Cheney Road, Suite C
Lincoln, NE 68512
434.2424



Special Permit #2029
West 'A' St. & SW 1st St.
CUP SW 1st Apartments



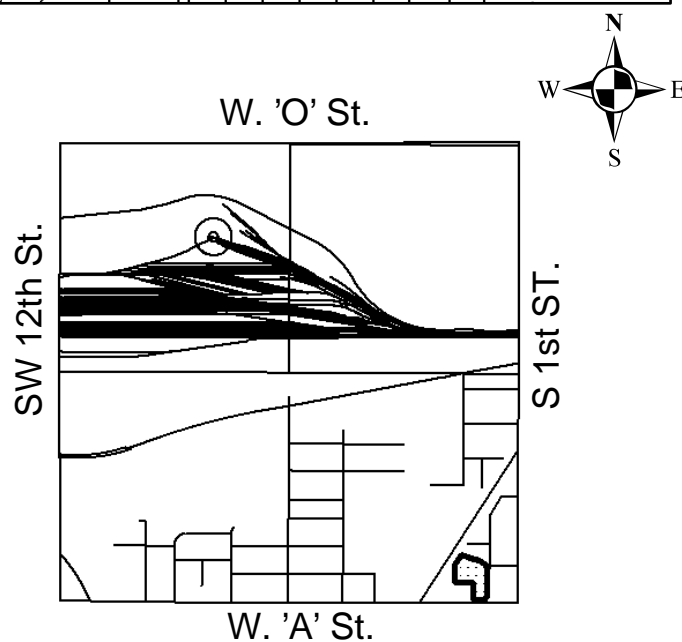
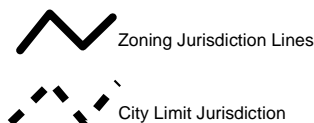


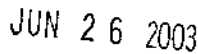
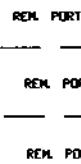
Special Permit #2029 **West 'A' St. & SW 1st St.** **CUP SW 1st Apartments**

Zoning:

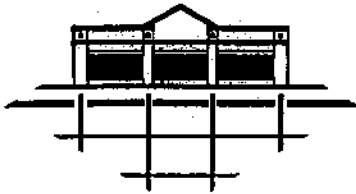
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
 Sec. 27 T10N R6E





LANCASTER CITY/LANCASTER CO.
PLANNING DEPARTMENT



BRIAN D. CARSTENS AND ASSOCIATES
LAND USE PLANNING RESIDENTIAL & COMMERCIAL DESIGN
601 Old Cheney Road, Suite C Lincoln, NE 68512 Phone: 402.434.2424

June 26, 2003

Marvin Krout
Director of Planning
City of Lincoln/ Lancaster County
555 South 10th Street
Lincoln, NE 68508

RE: S.W. 1st STREET APARTMENTS
COMMUNITY UNIT PLAN/ SPECIAL PERMIT

Dear Marvin,

On behalf of Doug Schmidt., we are submitting the above mentioned special permit / community unit plan. The property is located at the northwest corner of S.W. 1st Street and West 'A' Street. The special permit / community unit plan contains 3.03 acres.

This project includes one lot with a two-story multi-family building which consists of 30 dwelling units.

No waivers to the zoning ordinance are requested at this time.

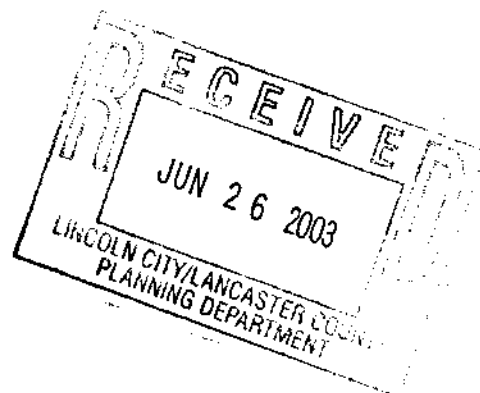
Please feel free to contact me if you have any further questions.

Sincerely,

Brian D. Carstens

CC: Michael Thomalla
Doug Schmidt

ENCLOSURES: 24 copies of sheet 1 of 3
8 copies of sheets 2 & 3 of 3
Application for a Special Permit
Application fee of \$795.00
Certificate of ownership
8-1/2" x 11" reduction



Memo



To: Greg Czaplewski, Planning Department

From: Mark Canney, Parks & Recreation

Date: July 1, 2003

Re: SW 1st St. Apartments SP 2029

Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and have the following comments:

1. The development is exempt from impact fees based on the neighborhood park and trail impact fee benefit area map.
2. An outdoor recreation plan needs to be submitted for review that include location of a tot lot, ½ court basketball court, swing and spring toys or equivalent.
3. Spring Snow Crabapple is susceptible to scab and fireblight. Please substitute with Professor Sprenger Crabpple, Sugar Tyme Crabapple, or Donald Wyman Crabapple.
4. Street tree spacing needs to comply with city standards. This includes parking areas and internal roads of the development.

If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248. Thank you.

**PUBLIC WORKS AND
UTILITIES DEPARTMENT**



MEMORANDUM

Date: June 14, 2003

To: Greg Czaplewski

cc: Ben Higgins, Nicole Fleck-Tooze, Dennis Bartels

From: Devin Biesecker

Subject: *SW 1st Street Apartments*

Below are Watershed Management's comments on the SW 1st Street Apartments Special Permit. Comments are based on a three-sheet plan set stamped June 26, 2003 by the Planning Department.

1. This development is in the 100 year floodplain which serves as storage area for the floodwaters of Salt Creek. To reduce potential impacts to downstream landowners from higher water velocities and water surface elevations, the concept of compensatory storage (the balancing of cut and fill) should be used for this site.
2. The plan shows a majority of the tree mass to the west of the apartment complex will remain, with only a few trees being removed for the construction of the parking area. To ensure that this habitat along Salt Creek is not removed by future development or during construction, a conservation easement should be obtained for the remaining tree mass.

**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Greg Czaplewski

DATE: July 2, 2003

DEPARTMENT: Planning

FROM: Chris Schroeder

ATTENTION:

DEPARTMENT: Health

CARBONS TO: Bruce Dart, Director
EH File
EH Administration

SUBJECT: SW 1st Apartments
SP #2029

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the special permit application for the proposed development with the following items noted:

- I-1 zoning is located directly south of the proposed apartment complex. According to the site plan and taking into account the required front yard for the I-1 zoning district, the proposed apartment complex is located within approximately 125 feet to any business/industry in the I-1 zone. Historically the LLCHD has advocated against locating residential population adjacent to industrial zone because of the potential for exposure to hazardous chemicals and/or materials. The LLCHD recommends at least a 300 foot buffer between residential populations and industrial zoning. This recommendation could be met by modifying the existing site plan to locate the proposed apartment complex further north while relocating the access road to the parking lot south of the apartment complex.
- A rail line is located approximately 385 feet from the proposed apartment complex. Trains are known to carry hazardous chemicals/materials in large quantities. The LLCHD does have concerns regarding the possibility of hazardous materials incidents involving trains with residential populations in relative close proximity.
- Noise pollution is also a concern when locating residential populations adjacent to industrial zoning. Lincoln Municipal Code (LMC) 8.24 Noise Control Ordinance does address noise pollution by regulating source sound levels based upon the receiving land-use category or zoning. However, the LLCHD does have significant case history involving residential uses and abutting industrial uses in which the industrial source does comply with LMC 8.24, but the residential receptors still perceive the noise pollution as a nuisance.

- All wind and water erosion must be controlled during construction. The Lower Platte South Natural Resources District should be contacted for guidance in this matter.
- During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary.

Richard J Furasek

To: Gregory S Czaplewski/Notes@Notes

07/08/2003 02:42 PM

cc:

Subject: SW 1st Street Apartments

Upon review of the special permit # 2029, I could find no fire hydrants but see a water main in the plan. I hope that fire hydrants will be added to provide sufficient water for our use.

Richard J. Furasek

Assistant Chief Operations

Lincoln Fire & Rescue

1801 Q Street

Lincoln Ne. 68508

Office 402-441-8354


Fax 402-441-8292

LOWER PLATTE SOUTH
NATURAL RESOURCES DISTRICT



3125 Portia St., Box 83581, Lincoln NE 68501-3581
(402) 476-2729 • FAX (402) 476-6454
www.lpsnrd.org

Memorandum

Date: July 2, 2003
To: Greg Czaplewski, Planning Dept.
From:  J.B. Dixon, Stormwater Specialist, Lower Platte South Natural Resources District
Subject: SW 1st St. Apartments, S.P. #2029

I have reviewed the plans of the project above. Due to the size of land disturbance for this project, an NPDES Permit will need to be submitted to our office.

It is important to look at all possibilities to limit the size of the footprint of required fill in the floodplain. Any potential on-site practices to offset the impacts of such fill would be welcomed.

If you have any questions, feel free to call.

JBD/jbd

Pc: File

Brian Carstens